



29 MAY 2007

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In re Application of SUMIYA et al :  
U.S. Application No.: 10/572,708 :  
PCT Application No.: PCT/JP2004/014910 : DECISION  
Int. Filing Date: 08 October 2004 :  
Priority Date Claimed: 10 October 2003 :  
Attorney Docket No.: 4940/PCT :  
For: DIAMOND TOOL, SYNTHETIC SINGLE :  
CRYSTAL DIAMOND. . . :

This application is before the Office of PCT Legal Administration for consideration of issues arising under 35 U.S.C. 371.

**BACKGROUND**

On 08 October 2004, applicant filed international application PCT/JP2004/014910, which claimed priority of an earlier Japan application filed 10 October 2003. A copy of the international application was communicated to the USPTO from the International Bureau on 21 April 2005. The thirty-month period for paying the basic national fee in the United States expired on 10 April 2006.

On 17 March 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 07 November 2006, the DO/EO/US mailed a Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 16 May 2007, applicant filed a present petition under 37 CFR 1.181.

On 23 May 2007, this Office mailed a decision dismissing in part the 16 May 2007 petition.

### DISCUSSION

The petition states that the Notice of Acceptance contained the following three errors: (1) an incorrect date of completion of all 35 U.S.C. 371 requirements, (2) a failure to indicate receipt of applicant's request for immediate examination, and (3) a failure to indicate receipt of an English translation of annexes (Article 19 amendments).

A review of the application file reveals that the Notice of Acceptance contained erroneous information with regard to items (1), (2), and (3) above.

### CONCLUSION

The decision mailed 23 May 2007 is hereby VACATED.

The petition under 37 CFR 1.181 is GRANTED.

The Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 07 November 2006 is hereby VACATED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a corrected Notice of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903). The corrected Form PCT/DO/EO/903 should indicate: (1) a date of completion of all 35 U.S.C. 371 requirements of 17 March 2006, (2) receipt of applicant's express request to begin national examination procedures under 35 U.S.C. 371(f), and (3) receipt of a translation of the Annexes. Furthermore, corrected Form PCT/DO/EO/903 should not list any observed defects.



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